

To: USPTO, Fax 703 746 7239  
Attn: Kieu Vu  
Re: app. # 09/731,814  
From: Roustem Zainoulline

#12  
9-9-03  
B. Hillard

Dear Kieu,

A few things I need to point out:

Regarding Stern's work:

I saw exactly the kind of system he describes in Walmart store on the East coast as early as 1999 with the scanner reading UPC code off of the CDs at listening posts and playing songs in earphones. The 'realtime' qualifier used in our claims is quite important as this describes a unique type of user's experience that constitutes a key feature of our interface. While experimenting in the lab we noticed an original, new multimedia effect taking place when there is realtime correlation between user input and a digital entertainment piece such as recorded music he/she hears back. Let me describe our design in different words:

- a two-dimensional matrix is provided to user to 'explore'
- as a cursor traverses over various areas within the matrix' geometrical constraints the user hears, immediately, without any delay, distinct pieces of media works (songs).
- user is free to make a decision to continue 'exploring' the wealth of content on that page of the matrix by simply continuing with the traverse movement in which case the clip playback stops immediately and another clip's playback kicks in.
- or, he/she can decide to linger a little bit longer and hear more of that clip.
- The user can also restart the clip playback by momentarily moving out of and back into the spot.
- At any point the user can initiate a purchase of the associated media work or move a step further along the tree of related media works in which the current clip represents one of the elements.

Hilpert's work is not really relevant to ours as his was done to sound-enable GUI to assist visually impaired people work with with PC applications. Nothing in Hilpert's points to digital entertainment media applications for general market.

I can see the line of reasoning - Yes, music consists of a multitude of individual sounds, however, we need to make a distinction between the two. Sound has no IP (Intellectual Property) value while a media work such as recorded music piece can have a substantial IP and market value. A good parallel would be paint vs. work of art. Paint has no IP value while work of art, which consists of a multitude of various paints, can have a substantial one.

Regards,

Roustem Zainoulline  
09/02/2003

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